

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**CARLOS RAMIREZ and DOLORES RAMIREZ,**

**Plaintiff,**

**v.**

**No. 14-cv-0448 GBW/SMV**

**STATE OF NEW MEXICO,  
NEW MEXICO STATE POLICE,  
NEW MEXICO LIVESTOCK BOARD,  
TOM LUCERO, MATTHEW ROMERO,  
and JOHN DOE,**

**Defendants.**

**ORDER QUASHING ORDER TO SHOW CAUSE  
AND EXTENDING TIME TO PROSECUTE CLAIMS**

THIS MATTER is before the Court pursuant to a telephonic hearing held on February 3, 2015, on the Court's Order to Show Cause [Doc. 15]. Plaintiffs served Defendants with summons on February 17, 2014.<sup>1</sup> [Doc. 1] at 1. Plaintiffs have since failed to take any steps to prosecute their claims. Accordingly, the Court ordered Plaintiffs to show cause why their case should not be dismissed without prejudice pursuant to D.N.M.LR-Civ. 41.1 for lack of prosecution. [Doc. 15]. At a hearing held on February 3, 2015, the Court directed Plaintiffs to take steps to prosecute their case by **February 20, 2015**. Otherwise, the action may be dismissed.

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<sup>1</sup> Plaintiffs filed their complaint on August 4, 2011, in the Fourth Judicial District Court of San Miguel County, New Mexico. [Doc. 1] at 1; [Doc. 1-1] at 1. The state court dismissed Plaintiffs' complaint on August 31, 2012, for lack of prosecution. [Doc. 1] at 1. The case was reinstated on January 11, 2013, and Plaintiffs effected service of process on Defendants on February 17, 2014. *Id.* Defendants removed the case to federal court on May 14, 2014. *Id.* Defendants' Notice of Removal does not include exhibits concerning the August 31, 2012 dismissal in state court for lack of prosecution, concerning the subsequent reinstatement of the case, or showing Plaintiffs' February 17, 2014 service of summons.

**IT IS THEREFORE ORDERED** that the Order to Show Cause [Doc. 15] is **QUASHED**.

**IT IS FURTHER ORDERED** that no later than **February 20, 2015**, Plaintiffs must take steps on the record to prosecute their claims, or this action may be dismissed without prejudice for failure to prosecute. *See* D.N.M.LR-Civ. 41.1.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**